

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN RE:

Cordell Collins,
DEBTOR.

CHAPTER 13
CASE NO. 16-54985-LSG
JUDGE LISA S. GRETCHKO

**TRUSTEE'S MOTION TO DISMISS
DUE TO EXPIRATION OF THE CHAPTER 13 PLAN**

The Chapter 13 Standing Trustee files this Motion under E.D. Mich. LBR 9014-1 and states:

1. The confirmed Plan has expired on May 26, 2022, without fulfilling all of its terms and conditions, which constitutes "cause" to dismiss pursuant to 11 U.S.C. 1307(c).
2. There has been a material default with respect to a term of the confirmed Plan under 11 U.S.C. 1307(c)(6) as Debtor has failed to serve on the Chapter 13 Trustee all required Federal Income Tax Returns including but not limited to the Federal Income Tax Returns for the years 2019, 2020, and 2021.
3. There has been a material default with respect to a term of the confirmed Plan under 11 U.S.C. 1307(c)(6) as Debtor has failed to remit to the Chapter 13 Trustee all Federal Income Tax Refunds to which the debtor was/were entitled or received during the pendency of this case including, but not limited to, the Federal Income Tax refunds for the years 2016, 2017, 2018, 2019, 2020, and 2021, for distribution to creditors.
4. The Trustee requested Debtor's concurrence in the relief requested in this Motion at least 7 days prior to filing. Debtor did not respond to the request for concurrence in the relief requested in this Motion.

WHEREFORE, your Trustee requests this Court enter its Order dismissing this case and granting such other relief as is just.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: July 6, 2022

By: /s/ John P. Kapitan
DAVID Wm. RUSKIN (P26803), Trustee
LISA K. MULLEN (P55478), Staff Attorney
JOHN P. KAPITAN (P61901), Staff Attorney
1100 Travelers Tower, 26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755

UNITED STATES BANKRUPTCY COURT
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IN RE:

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DEBTOR.

CHAPTER 13
CASE NO. 16-54985-LSG
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**ORDER DISMISSING CASE
DUE TO EXPIRATION OF THE CHAPTER 13 PLAN**

This matter came before the Court upon the Trustee's Motion to Dismiss Due to Plan Expiration (the "Motion": ECF No. ____). Required parties were served with the Motion and with notice of the deadline for objections thereto. No objection was timely filed, and a certification of no response has been filed. The Court has reviewed the Motion and pertinent pleadings and is advised in the premises.

NOW, THEREFORE, IT IS HEREBY ORDERED that this Chapter 13 case is dismissed.

IT IS FURTHER ORDERED that the Clerk's Office shall provide notice of the entry of this Order to all creditors listed in this case, the debtor, debtor's attorney, if any, and the Trustee;

IT IS FURTHER ORDERED that DAVID WM. RUSKIN, Trustee is discharged as Trustee, and the Trustee and his surety are released from any and all liability on account of the within proceedings.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN RE:
CORDELL COLLINS,
AKA or DBA (if any):

DEBTOR.

CHAPTER 13
CASE NO. 16-54985-LSG
JUDGE LISA S. GRETCHKO

Address(es):
9642 Sarasota
Redford, MI 48239-0000

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Social Security Number(s):

Employer's Tax Identification (EIN) No(s). (if any):

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**NOTICE OF TRUSTEE'S MOTION TO DISMISS
DUE TO EXPIRATION OF THE CHAPTER 13 PLAN**

The Chapter 13 Trustee has filed papers with the Court to dismiss the debtor's case for expiration of the Chapter 13 plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the Court to dismiss the debtor's case, or if you want the Court to consider your views on the Trustee's Motion, within 14 days, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:
United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically. You must also mail a copy to:

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE
ATTN: MOTION DEPARTMENT
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: July 6, 2022

By: /s/ John P. Kapitan
DAVID Wm. RUSKIN (P26803), Trustee
LISA K. MULLEN (P55478), Staff Attorney
JOHN P. KAPITAN (P61901), Staff Attorney
1100 Travelers Tower, 26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755

EXHIBIT 2

*Response or answer must comply with F.R.CIV.P. 8(b), (c) and (e)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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IN RE:

Cordell Collins,

DEBTOR.

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JUDGE LISA S. GRETCHKO

**CERTIFICATE OF SERVICE OF TRUSTEE'S MOTION TO DISMISS
DUE TO EXPIRATION OF THE CHAPTER 13 PLAN**

I hereby certify that on July 6, 2022, I electronically filed the Trustee's Motion to Dismiss Due to Expiration of the Chapter 13 Plan, Notice and Opportunity for Hearing and Proposed Order with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

JOHN A STEINBERGER & ASSOCIATES PC
17515 WEST NINE MILE RD #420
SOUTHFIELD, MI 48075-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Cordell Collins
9642 Sarasota
Redford, MI 48239-0000

/s/ Vanessa Wild
Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755

EXHIBIT 4